

#11-03

**AN ORDINANCE SUPPLEMENTING CHAPTER 205, "LAND USE", AMENDING AND SUPPLEMENTING ARTICLE XIX, "TMU TRANSITIONAL MIXED USE DISTRICT" TO PERMIT LARGE RETAIL ESTABLISHMENTS IN THE TMU TRANSITIONAL MIXED USE DISTRICT**

**BE IT ORDAINED**, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey, that Chapter 205 Land Use, Article XIX, "TMU Transitional Mixed Use District", be and is hereby amended and supplemented as follows:

**Amend subsection 205-79.2.A., Permitted Uses, by adding a new subsection 205-79.2.A. (10) as follows:**

- (10) Large Retail Establishments not to exceed a total of 120,000 square feet.

**Subsection 205-79.3.A. (4) shall be replaced in its entirety as follows:**

- (4) Large Retail Establishments shall comply with the standards specifically enumerated for Large Retail Establishments in subsection 205-79.4.

**Create and establish a new 205-79.4. as follows:**

**205-79.4. Provisions Applicable to Large Retail Establishments in the TMU District.**

**A. Purpose.**

- (1) The purpose of these provisions is to allow Large Retail Establishments to be located in the TMU zone upon complying with specific design standards. However, retail centers that include Large Retail Establishments with individual users occupying in excess of 50,000 square feet typically have several uninspiring design features in common including: no frill site plans that eschew connection to the surrounding community and environs; plain vanilla, standardized, rectangular single story buildings; monolithic, smooth surface block facades; recognizable corporate color schemes; minimal architectural details; massive asphalt parking lots covering several acres; limited landscaping; few pedestrian amenities. The Township of North Brunswick will not permit this standardized mediocrity. As a result, the Township is enacting form-based guidelines that will require the Large Retail Establishments to relate better to the community and have less negative impact upon the environment. This will be achieved through integrating the Large Retail Establishments into the fabric of the development and the surrounding community.
- (2) The intent of the regulations incorporated herein is to bring pedestrians and bicyclists into the site and to allow them to maneuver safely throughout the site on a series of interconnected pedestrian pathways. As a result of these regulations, Large Retail Establishments will incorporate pedestrian scale features into the design of their buildings and the parking lots that surround them.

**B. Applicability.**

Large Retail Establishments shall be permitted uses in the TMU District only upon satisfying the following standards.

- (1) The property upon which said use is to be located shall have a minimum frontage of 500 feet on Route 1.
- (2) The developer shall make a financial contribution towards the cost of certain traffic improvements (the "Traffic Improvements") identified in a traffic study prepared by Maser Consulting, dated January 20, 2010, and entitled "NBTOD Traffic Study for North Brunswick Transit Village (Block 148, Lot 5.04) and BJ Wholesale Club (Block 4.6, Lot 1.04) Township of North Brunswick, Middlesex County, New Jersey" ("Maser Report"). Said contribution shall be made prior to the developer receiving a Construction Permit for the Large Retail Establishment. The actual amount of the contribution shall be adjusted upward or downward based upon the actual costs of the design, permitting and construction of the improvements. Any additional contribution shall be made within 90-days of the date that written documentation is provided to the developer that the cost of the roadway improvements exceeds the estimate in the Maser Report. Failure of the developer to provide the additional funding within 90-days of notification shall result in the Township withdrawing the Certificate of Occupancy for the large retail